HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : **HON'BLE SHRI S.R. NAYAK, C.J.**
HON'BLE SHRI D.R. DESHMUKH, J.

M.A. NO.1198 OF 2005

APPELLANTS (CLAIMANTS)

1. Abdul Rauf Khan
S/o Haji Khalil
Aged about 56 years
2. Smt. Ayasha Begum
W/o Abdul Rauf Khan,
Aged about 54 years
3. Rukhsana Begum
D/o Abdul Rauf Khan
Aged about 18 years
All R/o Motitalab Jagdalpur,
Dist : Bastar (C.G.)

Versus

RESPONDENTS (NON APPLICANTS)

1. Jitendra Kumar Mishra
S/o Late Kripa Shankar Mishra
Aged about 35 years,
R/o Near Shiv Shakti
Provision stores Pratapganj
Para Jagdalpur, Distt. Bastar (C.G.)
2. Sanju @ Sanjay Kumar Mishra
S/o Kripa Shankar Mishra,
Aged about 40 years,
R/o Pratapganj Para Jagdalpur,
Dist : Bastar (C.G.)
3. The Oriental Insurance
Company Ltd.
Branch Office, Jagdalpur,
Dist : Bastar (C.G.)

Present : Shri Prafull Bharat, learned counsel for the appellant.

(ORAL ORDER)
(Passed on 15th February, 2006)

The following order of the Court was passed by

S.R. Nayak, CJ.

In this appeal preferred by the legal representatives of the deceased seeking more compensation, what was urged before us is that the MACT is not justified in applying multiplier 14 for assessing loss of dependency and that as per Exhibit P/15 which is Income Tax return filed in the name of the deceased, the annual income of the deceased was Rs.48,245/-, whereas the Tribunal has taken the annual income of the deceased only at Rs.36,000/-.

(2) Having heard the learned counsel for the appellants, we do not find any merit in this appeal. The deceased was unmarried and legal representatives are parents and a major sister. On the date of accident, father was aged 56 years , mother was aged 54 years and the sister was aged 18 years. If the MACT were to take into account the average age of the parents, appropriate multiplier to be applied for assessing loss of dependency would be multiplier 11 and not multiplier 14. In other words, the MACT has applied wrong multiplier to the advantage of the appellants. There is also no merit in the 2nd contention of the learned counsel for the appellants. The MACT has referred to Ex.P/15, the Income Tax return filed by the appellants in support of their claim, but, the MACT did not take that document into account on the ground that the return was not in the name of the deceased, and therefore, we cannot take any exception to the MACT in not taking into account the document Ex.P/15. The appeal is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge